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November 22, 2005

BY E-FILING

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RE: Finance Docket No. 34337
*Michael H. Meyer, Trustee In Bankruptcy For California Western
Railroad, Inc. v. North Coast Railroad Authority*

Dear Secretary Williams:

North Coast Railroad Authority ("NCRA") hereby submits its opposition to the November 22, 2005 request of Michael H. Meyer, Trustee in Bankruptcy for California Western Railroad, Inc. ("Trustee") whereby the Trustee again requests that the procedural schedule set forth in the Board's decision issued on November 18, 2005 ("Decision") be extended. Apparently realizing the merits of NCRA's response filed earlier today in opposition to the Trustee's November 21, 2005 letter requesting additional time, the Trustee's counsel now claims that he needs additional time in order to file discovery against NCRA. This claim is likewise meritless. It too should be rejected.

The Board's Decision did not grant the Trustee's petition to reopen in order to accept the complaint, set a procedural schedule, allow for discovery, and otherwise fully process the Trustee's claims, which appears to be the underlying premise of the Trustee's letter and the supposed justification for the extended schedule. Instead, the Board reopened the proceeding for the limited purpose of ensuring that "Mr. Meyer has an opportunity to fully express his position," with the words "his position" meaning the argument that the complaint should proceed. If, after hearing Mr. Meyer's position, the Board determined that the complaint had merit, it is NCRA's belief that it is at that point that the Board would accept the complaint, set a procedural schedule, allow for discovery, and proceed. This proceeding is not yet at that point. As such, there is no justification for the extension request as set forth in the Trustee's November 21 and November 22 letters.

Baker & Miller PLLC

Honorable Vernon A. Williams


November 22, 2005

Page 2 of 2

NCRA should not have to undergo the expense of discovery, depositions, and the gathering and presenting of substantial evidence unless and until the Board determines that the complaint has merit and should proceed further. NCRA strongly believes that after the Trustee files its evidence and NCRA replies, the Board will once again conclude that the complaint is meritless and will either dismiss it or deny it, as it has previously done. If the Trustee has a prima facie case, then let him present his evidence on December 8, evidence which the Trustee has had over three years to gather, and let the Board decide whether the complaint should move forward. The Trustee and his counsel do not need discovery or additional time in order for that process to occur.

This letter is being e-filed pursuant to the Board's regulations. If there are any questions concerning this filing, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A. Mullins', with a long horizontal flourish extending to the right.

William A. Mullins

cc: Parties of Record